

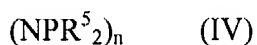
REMARKS

Claims 1-4 and 9-11 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by JP 2003-249233 ("JP '233").

Claims 5-8 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over JP '233.

Applicants respectfully traverse the rejections.

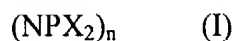
JP '233 discloses a phosphazene compound represented by the following formula (IV):



wherein R^5 is a monovalent substituent or fluorine, at least one of R^5 is a fluorine-containing monovalent substituent or fluorine and n is 3-8. However, all R^5 s are not elemental fluorine. *See*, paragraphs [0067] and [0072]-[0073].

JP '233 further discloses that the phosphazene compound represented by formula (IV) may contain chlorine, bromine or the like in its molecular structure. *See*, paragraph [0072]. However, this only implies that hydrogen in the monovalent substituent may be substituted with chlorine, bromine or the like.

In contrast, the phosphazene compound of present Claim 1 is represented by the following formula (I):



wherein X's are independently a halogen element, and n is an integer of 3-15 and the phosphazene contains at least two kinds of halogen elements. Thus, R^5 of formula (IV) in JP '233 differs from the X in the present application.

Further, in formula (IV) of JP '233, at least one monovalent substituent is directly bonded with one or more phosphorus. However, in formula (I) of the present invention, a monovalent substituent is not directly bonded with phosphorus.

The object of JP '233 is to provide a battery provided with a positive electrode, having high power, long life and high safety against moisture.

An object of the present invention is to provide an additive for a non-aqueous electrolyte in a battery which has a sufficiently high boiling point and can ensure sufficient safety of the electrolyte even in an emergency such as short-circuiting. Further, the present invention provides an additive that is not vaporized during use under high temperature and is capable of providing excellent low-temperature characteristics.

Applicants respectfully submit that due to the presently claimed chemical structure, the additive of present Claim 1 is not vaporized during use under high temperature and can ensure the sufficient safety of the electrolyte even in the emergency such as the short-circuiting. Further, the additive of the present invention improves the low-temperature characteristics of the battery significantly.

JP '233 fails to disclose or suggest these characteristics, and Applicants respectfully submit that the present invention has unexpected results in view of JP '233.

Accordingly, JP '233 fails to anticipate or render obvious the present claims, and withdrawal of the rejections is requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

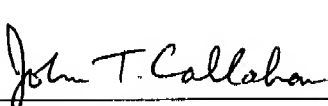
Respectfully submitted,

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